

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

RECEIVED
OCT 16 2003

Illinois Commerce Commission
RAIL SAFETY SECTION

Wisconsin Central Ltd., the Village of Mundelein, the County of Lake, and the State of Illinois, Department of Transportation.

Stipulated Agreement regarding the installation of an Automated Horn System (AHS system) at the crossings of the Company's track with public highways known as Butterfield Road, Illinois Rte. 60 (IL 60), Allanson Road, Hawley Street, Park Street, Maple Street (IL Rte. 176), Dunbar Road, Winchester Road, and Peterson Road, located in/near the Village of Mundelein, Lake County, Illinois, designated as crossings AAR/DOT 689 698N, milepost 37.37M; AAR/DOT 689 699V, milepost 37.50M; AAR/DOT 689 701U, milepost 38.65M; AAR/DOT 689 703H, milepost 39.80M; AAR/DOT 689 704P, milepost 39.94M; AAR/DOT 689 705W, milepost 40.10M; AAR/DOT 689 707K, milepost 40.85M; AAR/DOT 689 709Y, milepost 41.78M; AAR/DOT 689 710G, milepost 42.38M, respectively.

T01-0029

Wisconsin Central Ltd.'s Response to the Supplemental Petition for an Order Approving the Automated Horn System at the Nine Crossings in/near Mundelein, Illinois as a Railroad Safety Device and Directing That They Remain in Place Permanently Subject to Action by the Federal Railroad Administration

NOW COMES Wisconsin Central Ltd. ("WCL") with its Response to the Village of Mundelein's petition ("Petition") to the Illinois Commerce Commission (the "Commission") for an order approving the automated horn system at the nine crossings in/near Mundelein, Illinois as a railroad crossing safety device and directing that they remain in place permanently subject to action by the Federal Railroad Administration. WCL states as follows:

1. In response to Paragraph 1 of the Petition, WCL states that it is a rail carrier operating in Illinois and is a rail carrier within the meaning of the Illinois

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Commercial Transportation Law, and markets itself as doing business as CN.

Wisconsin Central Ltd. is the proper party to the proceeding.

2. WCL admits the assertions contained in Paragraphs 2, 3, and 4 of the Petition.

3. In response to Paragraph 5 of the Petition, WCL asserts that it owns and operates a main line of railroad through Cook County continuing into Lake County and to the Wisconsin border. This main line passes through the municipalities made party respondents to this action.

4. WCL admits the assertions made in Paragraphs 6, 7, 8, 9, 10 and 11 of the Petition.

5. In response to Paragraph 12 of the Petition, WCL admits that the STUDY was completed and distributed, and that its content is available for review by the Commission.

6. WCL lacks sufficient information so as to be able to admit or deny the assertions in Paragraphs 13, 14 and 15 of the Petition.

7. WCL admits the assertions made in Paragraphs 16, 17, 18, 19 and 20 of the Petition.

8. WCL asserts that, pursuant to 625 ILCS § 5/18c-7402, it has the discretion to use train horns at crossings notwithstanding that stand-alone audible warning devices may be present at the crossing, and that WCL and the Village have not reached an agreement on the use of the automated horns after the study period ends on October 25, 2003.

WHEREFORE, Petitioner Wisconsin Central Ltd. respectfully requests that the Commission not issue an order regarding the permanent placement of the automated horns until such time that the Village of Mundelein and Wisconsin Central Ltd. come to an agreement on the future use of the automated horns in/near the Village of Mundelein.

Dated at Chicago, Illinois this 14th day of October, 2003.

Respectfully submitted,

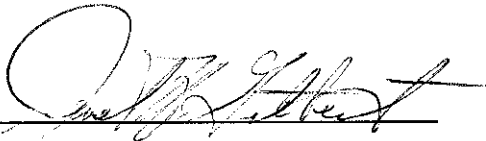
WISCONSIN CENTRAL LTD.

By: 

Michael J. Barron, Jr.
Counsel for Wisconsin Central Ltd.
CN
455 North Cityfront Plaza Drive
Chicago, IL 60611-5317
(312) 755-7954
ARDC #6228809


VERIFICATION

Janet H. Gilbert, being duly sworn, deposes and says that she is Assistant Secretary of Wisconsin Central Ltd., that she has read the foregoing Response to the Petition of the Village of Mundelein, and that the contents thereof are true and correct to the best of her knowledge and belief.



Janet H. Gilbert

Subscribed and sworn to
before me this 14TH day of
OCTOBER, 2003.



Notary Public

My Commission Expires:



**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Wisconsin Central Ltd., the Village of Mundelein, the County of Lake, and the State of Illinois, Department of Transportation.

Stipulated Agreement regarding the installation of an Automated Horn System (AHS system) at the crossings of the Company's track with public highways known as Butterfield Road, Illinois Rte. 60 (IL 60), Allanson Road, Hawley Street, Park Street, Maple Street (IL Rte. 176), Dunbar Road, Winchester Road, and Peterson Road, located in/near the Village of Mundelein, Lake County, Illinois, designated as crossings AAR/DOT 689 698N, milepost 37.37M; AAR/DOT 689 699V, milepost 37.50M; AAR/DOT 689 701U, milepost 38.65M; AAR/DOT 689 703H, milepost 39.80M; AAR/DOT 689 704P, milepost 39.94M; AAR/DOT 689 705W, milepost 40.10M; AAR/DOT 689 707K, milepost 40.85M; AAR/DOT 689 709Y, milepost 41.78M; AAR/DOT 689 710G, milepost 42.38M, respectively.

T01-0029

NOTICE OF FILING

Mr. Samuel Ach
Chief Counsel
Illinois Department of
Transportation
2300 S. Dirksen Parkway,
Room 300
Springfield, IL 62764

Mr. Ken Marabella
Village Administrator
Village of Mundelein
440 East Hawley Street
Mundelein, IL 60060

Mr. Robert Berry
Railroad Safety Specialist
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701


Mr. Dusty Powell
Lake County Division of
Transportation
600 W. Winchester Road
Libertyville, IL 60048-1381

Mr. Kevin Bowens
Village Administrator
Village of Libertyville
118 W. Cook Avenue
Libertyville, IL 60048

Mr. Michael S. Allison
Village Manager
Village of Vernon Hills
290 Evergreen Drive
Vernon Hills, IL 60061

PLEASE TAKE NOTICE that we have on this 14th day of October, 2003, mailed for filing with the Illinois Commerce Commission, Wisconsin Central Ltd.'s Response to the Village of Mundelein's Supplemental Petition for an Order Approving the Automated Horn System at the Nine Crossings in/near Mundelein, Illinois as a Railroad Crossing Safety Device and Directing that they Remain in Place Permanently Subject to Action by the Federal Railroad Administration, a copy of which is hereby served upon you.

WISCONSIN CENTRAL LTD.

By 
Michael J. Barron, Jr.
Counsel for Wisconsin Central Ltd.
CN
455 North Cityfront Plaza Drive
Chicago, Illinois 60611-5317
(312) 755-7954
ARDC #6228809

CERTIFICATE OF SERVICE

I, MICHAEL J. BARRON, JR., an attorney, certify that on behalf of Wisconsin Central Ltd., I served the foregoing Response of Wisconsin Central Ltd. upon those made party to this proceeding by enclosing copies of the document in envelopes addressed to those parties as set forth below, postage prepaid, and depositing the envelopes in the United States mail at 455 North Cityfront Plaza Drive, Chicago, Illinois on the 14th day of October, 2003.



Michael J. Barron, Jr.

Mr. Samuel Ach
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Transportation
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